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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/802,646	03/09/2001	Martin A. Allen	NOR-989	8531
37172	7590	03/03/2004	EXAMINER	
WOOD, HERRON & EVANS, LLP (NORDSON)			DEL SOLE, JOSEPH S	
2700 CAREW TOWER			ART UNIT	
441 VINE STREET			PAPER NUMBER	
CINCINNATI, OH 45202			1722	
DATE MAILED: 03/03/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/802,646

Applicant(s)

ALLEN, MARTIN A.

Examiner

Joseph S. Del Sole

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 December 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 5, 10 and 11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 5, 10 and 11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- 1) ☐ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 7/21/03
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement filed 7/16/03 complies with the provisions of 37 CFR 1.97, 1.98 and MPEP 609. It has been placed in the application file and the information referred to therein has been considered as to its merits.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 5, 10 and 11 rejected under 35 U.S.C. 102(b) as being anticipated by Page (3,981,650).

Page teaches an apparatus for meltblowing having a die tip (Fig 1, #10) including a first liquid input configured to communicate with a supply of the first type of liquid material and a second liquid input configured to communicate with a supply of the second type of liquid material (Fig 1); a plurality of first liquid outlets each for extruding a corresponding plurality of first strands (Fig 5); a plurality of second liquid outlets each for extruding a corresponding plurality of second strands, each second outlet positioned adjacent to a corresponding one of the first liquid outlets (Fig 5); a linear array of first liquid passages, each communicating between said first liquid input and a selected one of the first liquid outlets (Fig 1); a linear array of second liquid passages, each communicating between the second liquid input and a selected one of the second liquid

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outlets (Fig 1), the first and second liquid passages respectively converging at the first and second liquid outlets for respectively extruding the pluralities of first and second strands (Fig 1); a manifold assembly (Fig 1, #s 16-21) including a first manifold liquid passage (Fig 1, #s 16, 18 and 19) communicating between the supply of the first type of liquid material and the first liquid input of the die tip (Fig 1) and including a second manifold liquid passage (Fig 1, #s 17, 20 and 21) communicating between the supply of the second type of liquid material and the second liquid input of the die tip, the manifold assembly further including a first heating device positioned proximate the first manifold liquid passage for maintaining the supply of the first liquid material at a first predetermined temperature (col 2, lines 39-43) and including a second heating device positioned proximately to the second manifold liquid passage for maintaining the supply of the second liquid material at a second predetermined temperature (col 2, lines 44-47); the first and second outlets respectively tangentially meet at an external surface of the die tip (Fig 5); a transfer block including first and second liquid inputs and portions of the first and second liquid passages (Fig 1); a die tip block (Fig 1, #42) including first and second outlets and other portions of the first and second liquid passages (Fig 3); and air passages (Fig 1, #39 and 40) positioned on opposite sides of the first and second liquid outlets and configured to direct process air to impinge the filaments.

As discussed previously, as claimed "the first and second strands combining together immediately after extrusion to form the plurality of multi-component filaments having a cross-sectional configuration combining the first and second types of liquid material" is a process limitation.

Response to Arguments

4. Applicant's arguments filed 12/15/03 have been fully considered but they are not persuasive.

The Applicant argues that Page is not directed to the formation of "bicomponent" or "multicomponent" filaments.

The Examiner agrees. However, as claimed, the recitation to "bicomponent" or "multicomponent" is a process limitation that does not further limit the structure of the apparatus. As such, the Applicant claims an intended use of the apparatus, but does not structurally differentiate the apparatus from the prior art. Intended use has been continuously held not to be germane to determining the patentability of the apparatus, *In re Finsterwalder*, 168 USPQ 530. Purpose to which apparatus is to be put and expression relating apparatus to contents thereof during intended operation are not significant in determining patentability of an apparatus claim, *Ex parte Thibault*, 164 USPQ 666. Inclusion of the material worked upon by a structure being claimed does not impart patentability to the claims, *In re Otto et al.*, 136 USPQ 458. A recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the structural limitation of that claimed, *Ex parte Masham*, 2 USPQ 2d 1647. The manner or method in which a machine is to be utilized is not germane to the issue of patentability of the machine itself, *In re Casey*, 152 USPQ 235.

The Applicant argues that Page fails to teach that the openings "tangentially meet".

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The Examiner disagrees. The outlets of Page approach one another tangentially and tangentially meet at the external surface. Two paths that tangentially meet would not cross past one another and intersect. Therefore, Page does show a tangential meeting because the outlets approach one another and eventually travel parallel to one another without crossing.

The Applicant argues that Page fails to teach that the outlet openings intersect.

The Examiner disagrees. While this may be true, the claims do not recite the limitation that the openings intersect and the Examiner finds that the breadth of "tangentially meet" is such that it encompasses that which is taught by Page. Furthermore, the Examiner finds that "tangentially meeting" and "intersecting" are contradictory limitations.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Correspondence

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Joseph S. Del Sole whose telephone number is (571) 272-1130. The examiner can normally be reached on Monday through Friday from 8:30 A.M. to 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Wanda Walker, can be reached at (571) 272-1151. The official fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306 for both non-after finals and for after finals.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from the either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on the access to the Private PAIR system, contact the Electronic Business Center (EBC) at 886-217-9197 (toll-free).

Joseph S. Del Sole

J.S.D.

February 23, 2004

[Signature]
ROBERT DAVIS
PRIMARY EXAMINER
GROUP 1800 1722

2/27/04